

moved to suspend the rules and agree to the following resolution:

Resolved, That the time for debate on a motion to suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs; and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of.

A discussion of the resolution ensued after which the following exchange took place:

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER:⁽²⁾ The gentleman will state it.

MR. DIRKSEN: The resolution contains two substantive proposals. Is it by reason of this fact divisible?

THE SPEAKER: Not under a suspension of the rules, because the first proposal suspends all the rules.

§ 51. Reports From the Committee of the Whole on Amendments Considered Therein

When Senate amendments to a House bill are referred to the Committee of the Whole, the text for consideration in that Committee is the language of the Senate amendment. When the text of a bill is before the Committee of

the Whole, the Committee has only the authority to recommend changes to that text. The Chairman's report, when the Committee rises, is that "the Committee of the Whole has had under consideration the bill H.R. 1234 and reports the same back with the recommendation that the bill pass with the following amendments." When Senate amendments are reported back, the report is that the "Senate amendment be disagreed to, agreed to, or agreed to with an amendment." In either case, each amendment recommended by the Committee of the Whole is subject to being voted on separately, absent a special rule or unanimous consent.

§ 51.1 A recommendation from the Committee of the Whole that a Senate amendment be concurred in with an amendment striking out the text of the Senate amendment and inserting new text is not divisible as between concurring and the amendment.

On July 12, 1945,⁽³⁾ the House resolved itself into the Committee of the Whole for the purpose of considering a bill (H.R. 3368)

2. Sam Rayburn (Tex.).

3. 91 CONG. REC. 7474, 7489, 7493, 7494, 79th Cong. 1st Sess.

making appropriations for war agencies and for other purposes, with Senate amendments. The Chairman⁽⁴⁾ directed the Clerk to report the first Senate amendment.

The Clerk read the Senate amendment as follows:

Senate Amendment No. 1: Page 1, line 9, insert:

COMMITTEE ON FAIR EMPLOYMENT
PRACTICE

Salaries and expenses: For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive Orders No. 8802 and 9346, including salary of a Chairman at not to exceed \$8,000 per annum and 6 other members at not to exceed \$25 per diem when actually engaged; travel expenses (not to exceed \$63,800); expenses of witnesses in attendance at Committee hearings, when necessary; printing and binding (not to exceed \$4,800); purchase of newspapers and periodicals (not to exceed \$500); not to exceed \$694 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 28, 1944 (Public Law 364); and the temporary employment of persons, by contract or otherwise, without regard to section 3709 of the Revised Statutes and the civil-service and classification laws (not to exceed \$8,900); \$250,000: *Provided*, That no part of the funds herein appropriated shall be used to pay the compensation of any person to initiate, investigate, or prosecute any complaint against any defendant where such defendant does not have the same right to appeal an adverse decision of the Committee on Fair

Employment Practice to the President of the United States, or to refer said complaint to the President of the United States for final disposition, as is asserted by or allowed the said Committee on Fair Employment Practice in cases where persons complained against refuse to abide by its orders: *Provided further*, That no part of this appropriation shall be used to pay the compensation of any person to initiate, investigate, or prosecute any proceedings against any person, firm, or corporation which seeks to effect the seizure or operation of any plant or other property of such person, firm, or corporation by Federal authority for failure to abide by any rule or regulation of the Committee on Fair Employment Practice, or for failure to abide by any order passed by the Committee on Fair Employment Practice: *Provided further*, That no part of the funds herein appropriated shall be used to pay the compensation of any person employed by said Committee on Fair Employment Practice who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the Congress.

Mr. Clarence Cannon, of Missouri, offered an amendment which, as additionally amended by Mr. Francis H. Case, of South Dakota, was subsequently agreed to after debate.

A motion that the Committee rise and report the bill back to the House was agreed to and the following then occurred:

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Sparkman, Chairman of the Committee of the Whole House on the State of the Union, reported that that

4. John J. Sparkman (Ala.).

Committee, having had under consideration the Senate amendments to the bill (H.R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1946, and for other purposes, directed him to report the same back to the House with the recommendation that the House concur in Senate amendment numbered 1, with an amendment, and that the House disagree to Senate amendments numbered 2 to 33, inclusive, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

MR. CANNON of Missouri: Mr. Speaker, I move the previous question.

THE SPEAKER:⁽⁵⁾ The Clerk will report the first recommendation of the Committee [Mr. Cannon's amendment, as amended].

The Clerk read as follows:

The Committee of the Whole House on the State of the Union recommends that the House concur in Senate amendment No. 1, with the following amendment:

"Strike out the matter proposed to be inserted by Senate amendment No. 1 and insert in lieu thereof the following:

"COMMITTEE ON FAIR EMPLOYMENT
PRACTICE

"Salaries and expenses: For completely terminating the functions and duties of the Committee on Fair Employment Practice, including such of the objects and limitations specified in the appropriation for such agency for the fiscal year 1945 as may be incidental to its liquidation, \$250,000: *Provided*, That if and until the Committee on Fair Employment Practice is continued by an act of

Congress, the amount named herein may be used for its continued operation until an additional appropriation shall have been provided: *Provided further*, That in no case shall this fund be available for expenditure beyond June 30, 1946."

THE SPEAKER: The question is on agreeing to the recommendation.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: As I understand it, this entire amendment, beginning on line 9, page 1, and ending on line 14, page 3, as amended, is a Senate amendment. It is brought in here as a Senate amendment. Now the question is on adopting that Senate amendment, the entire amendment; not adopting the amendment offered by the gentleman from Missouri to the amendment, but on adopting the entire FEPC amendment?

THE SPEAKER: The question is on the motion agreed to in Committee of the Whole. That is, to agree to the Senate amendment with an amendment. There is no division of the question, if that is what the gentleman is asking.

MR. RANKIN: Then we have a right to vote on whether or not we will adopt the Senate amendment as amended.

THE SPEAKER: There is just one question before the House. That is, to concur in the recommendation of the Committee of the Whole.

MR. RANKIN: Mr. Speaker, I demand a separate vote on this entire Senate amendment. The rules of the House provide that when an amendment is brought in, even though it is amended in Committee of the Whole, when we

5. Sam Rayburn (Tex.).

get back to the House we do not vote on amendments to the amendment but we vote on the amendment as amended.

THE SPEAKER: We vote on the recommendation which the Committee of the Whole made to the House. That is all there is before the House at this time.

MR. RANKIN: That is that the amendment as amended be adopted?

THE SPEAKER: That is the question.

MR. RANKIN: I would like to have a separate vote on that amendment.

THE SPEAKER: That is what we are attempting to do right now.⁽⁶⁾

§ 51.2 A proposition reported from the Committee of the Whole as an entire and distinct amendment may not be divided, but must be voted on as a whole in the House.

On July 20, 1951,⁽⁷⁾ the House resolved itself into the Committee of the Whole for the purpose of

6. See 8 Cannon's Precedents §2420 (and §3192), where a Senate amendment considered in Committee of the Whole was amended by the insertion of several words. The recommendation of the Committee, that the Senate amendment be concurred in with the amendment, being rejected, the House then concurred in the Senate amendment. See also 8 Cannon's Precedents §3176, which affirms the proposition that a motion to concur in a Senate amendment with an amendment is not divisible.

7. 97 CONG. REC. 8538, 8608, 82d Cong. 1st Sess.

considering a bill (H.R. 3871) to amend the Defense Production Act of 1950. When the Committee rose, the Speaker resumed the chair, and the Chairman⁽⁸⁾ reported the bill back to the House with the amendments adopted by the Committee.

The Speaker stated that under the rule, the previous question was ordered, whereupon demands were made for separate votes on several amendments, and then an inquiry was directed to the Speaker, as follows:

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁹⁾ The gentleman will state it.

MR. YATES: Mr. Speaker, is it in order to ask for a separate vote on the Sabbath amendment at page 83, section 206?

THE SPEAKER: The Sabbath amendment was not adopted in Committee of the Whole.

MR. YATES: It was a motion, however, Mr. Speaker, to strike out a portion of the committee amendment. Is it not therefore in order?

THE SPEAKER: Separate votes may be had only on amendments that have been reported by the Committee of the Whole.

MR. YATES: Has not the amendment been adopted by the Committee, Mr. Speaker?

THE SPEAKER: The Sabbath amendment is an amendment to the com-

8. Wilbur D. Mills (Ark.).

9. Sam Rayburn (Tex.).

mittee amendment and was not agreed to in Committee. . . .

MR. YATES: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. YATES: Mr. Speaker, may a separate vote be taken on a portion of a committee amendment, namely section 206(a) and (b) on page 83?

THE SPEAKER: A separate vote cannot be had on a portion of the amendment reported by the Committee of the Whole. The amendment must be voted on in its entirety as reported by the Committee of the Whole.⁽¹⁰⁾

§ 52. Motions To Recede and Concur

The divisibility of the motion to recede and concur may alter the preferential nature of certain motions following such division. The motion to recede and concur in a Senate amendment, for example, takes precedence over a motion to recede and concur with an amend-

10. Similar, though less explicit, rulings may be found in later Congresses. See, for example, the following: 114 CONG. REC. 24242, 90th Cong. 2d Sess., July 30, 1968; 114 CONG. REC. 21546, 90th Cong. 2d Sess., July 16, 1968; 114 CONG. REC. 1421, 90th Cong. 2d Sess., Jan. 30, 1968; 113 CONG. REC. 29317, 90th Cong. 1st Sess., Oct. 18, 1967; and 104 CONG. REC. 16264, 85th Cong. 2d Sess., Aug. 5, 1958.

ment,⁽¹¹⁾ since, after the stage of disagreement has been reached, the motion which most quickly brings the two Houses together is preferential. But if the House recedes from its disagreement, then a motion to amend takes precedence over concurring.

In a Senate Amendment

§ 52.1 A motion that the House recede and concur in a Senate amendment is divisible upon request of any Member, and the House does not vote on whether to divide the motion.⁽¹²⁾

11. It is to be noted that the phrase "a motion to recede and concur with an amendment" is a term of art in parliamentary parlance and refers to a motion that the House recede from its disagreement to a Senate amendment and concur therein *with a further House amendment*. It must be distinguished from the "motion to recede and concur"—which refers to a simple motion that the House recede from its disagreement to a Senate amendment and decide to concur *in that Senate amendment*.
12. This precedent is well established. For similar instances, see 109 CONG. REC. 8506, 88th Cong. 1st Sess., May 14, 1963; 107 CONG. REC. 16325, 87th Cong. 1st Sess., Aug. 10, 1961; 106 CONG. REC. 14074, 86th Cong. 2d Sess., June 23, 1960; 91 CONG. REC. 4492, 79th Cong. 1st Sess., May